

EXHIBIT C

Seattle Police Manual

Page 1 of 20

5.001 – Standards and Duties

Effective Date: Pending Court Approval

5.001-POL

This policy provides the philosophy for employee conduct and professionalism.

The Department expects all employees to treat all people with dignity; remember that community care-taking is at times the focus, not always command and control; and that the guiding principle is to treat everyone with respect and courtesy, guarding against employing an officious or overbearing attitude and refraining from language, demeanor, and actions that may cause the individual to feel belittled, ridiculed, or intimidated.

This section applies to all Department employees. The content is not all-inclusive. Employees must also comply with conduct expectations in other manual sections pertaining to them.

It is not the Department's intent to interfere with or constrain the freedoms, privacy, and liberties of employees; discipline will only be imposed where there is a connection between the conduct and the duties, rank, assignment, or responsibilities of the employee.

1. Employees Will Adhere to Laws, City Policy and Department Policy

Employees adhere to:

- Federal laws
- State laws
- Laws of the City of Seattle
- City of Seattle policies
- The Seattle Police Manual

Seattle Police Manual

Page 2 of 20

-
- Published Directives and Special Orders
 - Applicable collective bargaining agreements and relevant labor laws

Criminal acts and other unlawful acts may result in personal civil liability or constitute independent grounds for discipline, up to and including termination.

2. Employees Participating in Joint Task Force Operations with Other Law Enforcement Agencies, or in Other Jurisdictions, Will Comply with all Seattle Police Department Policies.

3. Employees Will Be Truthful and Complete in All Communication

Exception: Employees may use deception for a specific and lawful purpose in certain circumstances, when:

- There is an exigent threat to life safety or public safety, **and/or**,
- It is necessary due to the nature of the employee's assignment, **and/or**,
- There is a need to acquire information for a criminal investigation

4. Employees May Use Discretion

Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the Department and duties of their office and assignment.

Discretion is proportional to the severity of the crime or public safety issue being addressed.

5. Employees Will Strive to be Professional

Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers. Employees will avoid unnecessary escalation of events even if those events do not end in reportable uses of force.

Any time employees represent the Department or identify themselves as police officers or Department employees, they

Seattle Police Manual

Page 3 of 20

will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

Employees on duty or in uniform will not publicly ridicule:

- The Department or its policies
- Other Department employees
- Other law enforcement agencies
- The criminal justice system or police profession

This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.

6. Employees Will Not Use Their Position or Authority for Personal Gain

7. Retaliation is prohibited

No employee will retaliate against any person who:

- Exercises a constitutional right
- Records an incident, ~~including videotaping and photographing~~
- Makes a public disclosure request
- Publicly criticizes an SPD employee or the Department
- Initiates litigation
- Opposes any practice reasonably believed to be unlawful or in violation of Department policy
- Files a complaint or provides testimony or information related to an allegation of policy violations, including but not limited to complaints made to OPA, Human Resources, or the EEO investigator
- Provides testimony or information for any other administrative criminal or civil proceeding involving the Department or a Department employee

Commented [CKT1]: Moved from 5.002-POL-4. No language change except as in red.

Seattle Police Manual

Page 4 of 20

- Communicates intent to engage in the above-described activities
- Otherwise engages in lawful behavior
- Files a whistle-blower claim pursuant to Seattle Municipal Code

Retaliation includes discouragement, intimidation, coercion, or undertaking any adverse action against any person because the person engaged in any of the activity set forth above. This prohibition specifically includes interference with any administrative, civil, or criminal investigation.

~~Retaliation may constitute independent grounds for discipline, up to and including termination.~~

8. Employees **Will Must** Promptly Report Exonerating Information

Employees must report any information they discover that may exonerate a person who is under investigation, or has been charged with or convicted of a crime.

9. Employees Will Take Reasonable Action to Intervene if they Observe Another Employee Engaged in ~~Dangerous or Criminal Conduct or Abuse~~ Misconduct

~~For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported.~~

Employees who witness or learn of a violation of public trust or an allegation of violating public trust will take **reasonable** action to prevent aggravation of the incident or loss of evidence that could prove or disprove the allegation.

10. Employees Complete Work in a Timely Manner

Absent exigent circumstances or supervisory approval, employees will complete all required duties and official reports before going off duty.

11. Employees Obey **any** Lawful Orders ~~issued by a superior officer from a Person of Higher Rank or a Supervisor~~

Failure to obey lawful orders from a superior officer **or acting in defiance of authority** constitutes insubordination. Orders may be issued directly, relayed through a subordinate ~~employee or~~

Commented [CKT2]: For consistency and clarity, this sentence is deleted and a broadly applicable statement has been added to 5.001-POL-1

Commented [CKT3]: Moved from 5.002-POL-6. No language change except as in red.

Seattle Police Manual

Page 5 of 20

~~current Department training~~, published in notices, and/or other forms of communication.

12. Supervisors Clarify Conflicts in Orders

Should any orders conflict with a previous order, or published regulation, employees may respectfully bring this to the supervisor's attention.

The supervisor who issued the conflicting order will try to correct the conflict in orders.

13. Employees May Object to Orders Under Certain Conditions

An employee may object to a supervisor's orders under any or all of these conditions:

- When such orders represent unjustified, substantial and/or reckless disregard for life or safety
- When such orders are illegal or unethical
- When the supervisor has been relieved of duty by an employee of higher rank
- When other circumstances are present that establish the supervisor's inability to discharge the duties of the assignment

Employees in this situation will, if practical, state the basis for objecting to the order to the supervisor.

If the situation remains unresolved, the employee will immediately contact the next higher ranking supervisor in the chain of command.

14. Employees Will Avoid Conflicts of Interest

Employees will not associate with persons or organizations where such association reasonably gives the appearance of conflicts of interest.

Employees will not engage in enforcement, investigative, or administrative functions that create or give the appearance of conflicts of interest.

Seattle Police Manual

Page 6 of 20

Employees will not investigate ~~events incidents or allegations~~ where they are involved. This also applies where any person with whom the employee has a personal relationship is involved in the event.

Except in cases of emergency, officers will not arrest family members, business associates, or social acquaintances.

Employees will not show preference by recommending or suggesting the employment of any attorney, bondsman, or other business during the course of, or because of, their official business as employees of the Department.

See also [SMC 4.16-City Code of Ethics](#) and [5.120 – Off-Duty Employment](#).

15. Employees Will Avoid Conflicts of Interest Regarding Allegations of Policy Violations

~~Employees' duty to avoid and disclose actual, potential, or apparent conflicts of interest (See 5.001-Standards and Duties) extends to the allegation process.~~

If a supervisor is the subject of an allegation of policy violation, the employee receiving the allegation will refer the allegation to the next highest level employee in the supervisor's chain of command.

If the subject of the allegation of policy violation is assigned to OPA, the employee receiving the report will forward the allegation to the OPA Director.

If the subject of the allegation of policy violation is the OPA Director, the allegation will be forwarded to the ~~City Human Resources Director-Inspector General~~.

Commented [CKT4]: Moved from 5.002-POL-7. No language change except as in red.

16. Employees Will Disclose Conflicts

Employees will immediately disclose to the Chief of Police, via their supervisor, any activities or relationships that may present an actual, potential, or apparent conflict of interest for themselves or other Department employees.

17. Employees Follow the Americans With Disabilities Act (ADA) in the Performance of their Job

Seattle Police Manual

Page 7 of 20

Employees interacting with persons with disabilities will take steps to provide needed accommodations to provide police services or achieve a law enforcement goal.

See: [Commonly asked questions about the Americans with Disabilities Act and Law Enforcement](#), [ADA.gov](#), [City of Seattle ADA](#). Employees are encouraged to contact Human Resources with any ADA questions that arise.

18. A Supervisor May Relieve a Subordinate Employee of Duty

If immediate relief from duty is necessary to protect the Department, the employee, or the public, a supervisor may relieve a subordinate employee from duty and place the employee on Administrative Leave for up to 24 hours (excluding weekends and holidays).

The supervisor will screen the incident with a higher-ranking employee prior to informing the employee they are relieved from duty.

- A permanent lieutenant or higher will screen incidents involving sworn employees and notify their bureau chief through the chain of command and call the bureau chief's office the next day.
- A civilian manager (any position above first line supervisor) may follow this procedure for civilian employees.
- The Bureau Chief (or civilian manager) or designee will notify the Executive Director of Human Resources and Employment Services Lieutenant of any relief from duty immediately.

The higher-ranking employee will consider having the Peer Support personnel contact the employee if appropriate.

Commented [CKT5]: Moved from 5.003-POL-2. No language change except as in red

19. Employees Use Training to Assist in Following Policy

Department training is intended to provide guidance on how to implement and follow policy.

Not following training, in itself, is not a policy violation.

Regardless of the result, an employee may need to explain, and possibly document, a substantial deviation from training

20. Employees Will Attend All Mandatory Training

Seattle Police Manual

Page 8 of 20

Employees will attend mandatory training and follow the current curriculum during their duties.

Employees who have missed any mandatory training because of excused absences, such as a sick day or court appearance, will arrange through their immediate supervisor to complete that training within a reasonable time frame.

Employees on approved limited duty who cannot participate in a mandatory training program will request a waiver using SPD Memorandum (form 1.11), and an Insurer Activity Prescription Form (APF) ~~through their chain of command from the Employee Services Lieutenant.~~

Also See: [1.075-Failure to complete Required Training](#)

21. Employees Engaged in Department-Related Activities Identify Themselves When Requested

Employees will provide their name and Department serial number verbally, or in writing if requested.

Employees may use a Department-issued business card that contains their name and serial number to satisfy the request for the information.

Employees will also show their department identification card and badge (sworn) when specifically requested to do so.

Exception: Employees are not required to ~~immediately~~ identify themselves if:

- An investigation is jeopardized.
- A police function is hindered, ~~or~~
- There is a safety consideration.

22. On-Duty Officers in Civilian Attire Identify Themselves When Contacting Citizens

Officers will accomplish this verbally and/or by displaying their badge or Department-issued identification.

Exception: Employees are not required to ~~immediately~~ identify themselves if:

Seattle Police Manual

Page 9 of 20

- An investigation is jeopardized.
- A police function is hindered, or
- There is a safety consideration.

23. Uniformed Employees Will Not Initiate Contact With Officers Dressed In Civilian Clothing

When any uniformed employee meets an officer dressed in civilian attire, that uniformed employee will not openly recognize the plain-clothes officer unless greeted first.

Exception: Unless the plain-clothes officer is engaged in misconduct, then POL-9 applies.

24. Employees Will Not Imply to Another Agency the Department's Approval or Disapproval of That Agency's Actions

25. Employees Will Not Recommend Case Dispositions to Courts

No employee below the rank of Assistant Chief will make ~~any~~ recommendations to any court or other judicial agency regarding the disposition of any pending court case investigated by the Department.

Exception: This does not apply to agencies conducting pre-sentence investigations.

26. Officers Report any Off-Duty Assault on Themselves Related to Department Employment

If an employee is assaulted while working off-duty in a law enforcement capacity, that employee must report the assault. The employee must then notify the Department before seeking a No Contact or Restraining Order related to the assault. This notification is to the Chief of Police via the employee's chain of command.

27. Employees Will Report Certain Events

Employees will report to their supervisor, in writing, as soon as practical (and before the start of their next work shift) these circumstances in any jurisdiction:

Seattle Police Manual

Page 10 of 20

- They are the subject, or they believe they may be the subject of a criminal investigation, criminal traffic citation, arrest, or conviction
- ~~They are the respondent of an anti-harassment order, restraining order, no contact order, or any order of protection listed in 15.400-Domestic Violence Court Orders. They are the respondent of an order of protection, restraining order, no contact order, anti harassment order.~~
- Their Washington driver license is expired, suspended, revoked, or restricted, for example, with an ignition interlock driver license or occupational license
- Their driving privilege is suspended, revoked, or restricted in any state.

Commented [CKT6]: Moved from 5.002-POL-8. No language change except as in red.

28. Employees Will Not Use a Department Mailing Address for Personal Reasons

This provision includes using a Department address for a driver license, vehicle registration, telephone service, etc.

29. The Chief of Police Determines Employee Duty Status

The Chief of Police has final authority through the Charter of the City of Seattle to determine the on-duty status of any employee, and whether their actions are within the course and scope of their duties.

Completion of overtime or other Department forms by an employee does not establish the employee's duty status.

~~Employees Notify the Department Before Initiating any Claim for Damages Related to Their Official Position~~

~~Employees must report their intention to initiate a claim for damages sustained while working in a law enforcement capacity or by virtue of employment with the Department. This notification is to the Chief of Police via the employee's chain of command.~~

~~Employees Report Their Intent to Initiate Lawsuits or Seek Court Orders~~

Seattle Police Manual

Page 11 of 20

~~Employees must report to the Chief of Police their intention to sue for damages sustained while working in a law enforcement capacity or by virtue of employment with the Department.~~

~~Sworn employees will notify their supervisor prior to applying for a No Contact or Restraining Order stemming from an assault on the employee that occurred while the employee was working in a law enforcement capacity.~~

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations

Effective Date: Pending Court Approval

5.002-POL

This policy applies to the reporting of alleged policy violations identified by the public, employees of the Department, or others, as well as related investigations by the Department and The Office of Police Accountability (OPA).

The purpose of this policy and the related procedures is to provide a prompt, just, and open disposition of ~~potential~~allegations of policy violations regarding the conduct of employees.

As defined below, actions that would constitute serious policy violations will be investigated and referred, where appropriate, by OPA; actions that would constitute performance deficiencies will be investigated and addressed by the chain of command.

Alleged Policy Violation – A potential policy violation by an SPD employee that an officer learns of through any source, including the officer's own firsthand knowledge, statements made by another SPD employee, or statements made by any other person.

Serious Policy Violation – a policy violation that falls into one of the categories defined at 5.002-POL-4 Supervisors Will Refer Allegations of Serious Policy Violations to OPA as Soon as Feasible.

Seattle Police Manual

Page 12 of 20

Performance Deficiency – a failure to meet the Department's performance expectations, including any policy violation that does not fall into one of the categories of Serious Policy Violations defined at 5.002-POL-4.

Unsubstantiated Allegation of Serious Misconduct – an alleged serious policy violation that the evidence fully refutes.

This policy is read in conjunction with 5.003-Performance Counseling Review.

1. The Department Will Accept Allegations of Policy Violations from Any Source and by Any Means

2. Employees Will Assist People Who Wish to File a Complaint

Besides obligations that may arise under other parts of this manual (e.g., See 5.140-Bias-Free Policing-6, 7) employees will assist the complainant by taking the complaint and passing it on to a supervisor or OPA.

If the complainant requests information on where and how to file the complaint, the employee will provide it. However, the employee is still responsible for passing the complaint on to a supervisor or OPA.

If the employee cannot take the complaint without compromising public safety interests (e.g., the allegation is made during a demonstration while the employee is on a line), ~~the employee will inform the complainant how to file the complaint while not interfering or compromising public safety interests, the employee will provide specific information to the complainant on where and how to file the allegation.~~

3. Employees Will Report Alleged Policy Violations to a supervisor or to OPA as soon as feasible.

~~Employees will report any alleged minor policy violation to a supervisor.~~

~~Employees will report any alleged serious policy violation to a supervisor or to OPA.~~

4. Supervisors Will ~~Investigate or~~ Refer Allegations of **Serious Policy Violations to OPA as Soon as Feasible. ~~Depending on the Severity of the Violation~~**

Commented [CKT7]: Moved from 5.002-POL-6. No language change except as in red.

Seattle Police Manual

Page 13 of 20

Exception: If, after conducting a thorough and critical review of the allegation of a Serious Policy Violation, there is evidence that fully refutes the allegation, the supervisor will screen the complaint and preliminary investigation in writing, using the OPA Field Screening BlueTeam. (See: 5.002-PRO-1 Completing an OPA Field Screening BlueTeam When It Is Unclear If An Alleged Policy Violation Is a Serious Policy Violation and/or for Unsubstantiated Allegations of Serious Misconduct)

The following are ~~S~~serious ~~P~~policy ~~V~~violations: ~~that must be referred to OPA:~~

Use of force that is not necessary, reasonable, and proportionate (8.000-Use of Force Core Principles)

Bias based policing (5.140-Bias Based Policing)

- Bias based policing, including use of language that is derogatory based on an individual's ~~sex, race, ethnicity, religion, homeless status, or other-protected class.~~
- **Exception:** Supervisors will not report an allegation of bias based policing directly to OPA ~~in those circumstances~~ where a Bias Review Blue Team Entry is appropriate under 5.140-POL-6 and 5.140-POL-7.
- See 5.140-Bias-Free Policing, sections 6 & 7.

Criminal violations (5.001-Standards and Duties)

Dishonesty (5.001-Standards and Duties)

Violations of Constitutional protections (5.001-Standards and Duties)

- Any ~~other~~ violation of SPD policy that may violate a ~~suspect's~~ person's constitutional rights to freedom of speech, to the free exercise of religion, to peaceably assemble, to due process of law, and to be secure against unreasonable search and seizure

Failure to report ~~S~~serious ~~P~~policy ~~V~~violations to OPA (~~5.002-Responsibilities of Employees Concerning Alleged Policy Violations~~)

Seattle Police Manual

Page 14 of 20

Repeated ~~performance deficiencies~~ minor policy violation (5.002-Responsibilities of Employees Concerning Alleged Policy Violations & 5.003-Performance Counseling Review).

Serious neglect of duty

Insubordination (5.001-Standards and Duties)

Failure to ~~fully~~ cooperate in an internal investigation (5.002-Responsibilities of Employees Concerning Alleged Policy Violations)

Misuse of authority, conflicts of interest, or improper use of position for personal gain (5.001-Standards and Duties)

Retaliation against any person under the circumstances listed in (5.001-Standards and Duties POL-7)

Pursuit policy violations (13.031 – Vehicle Eluding/Pursuits)

Exception: If the supervisor believes the incident involves a Performance Deficiency rather than a Serious Policy Violation, the circumstances must be screened with OPA as provided in #6.

Failure to de-escalate (8.100 – De-Escalation, 16.110 – Crisis Intervention)

Exception: If the supervisor believes the incident involves a Performance Deficiency rather than a Serious Policy Violation, the circumstances must be screened with OPA as provided in #6.

Professionalism (5.001-Standards and Duties)

Exception: Minor rudeness and profanity not directed at an individual.

An intentional or reckless violation of policy

5. Employees Will Report an Immediate Need for OPA Investigative Action

~~Supervisors~~ Employees will notify a higher-ranking employee within their chain of command, or the Duty Captain, ~~before going off duty~~ as soon as feasible, where immediate investigative action by the OPA may be necessary. If warranted, the higher ranking employee will notify OPA immediately. After hours, the

Seattle Police Manual

Page 15 of 20

Communications Section will follow its callout procedure for OPA.

Commented [CKT8]: Moved from 5.003-POL-2. No language change except as in red.

6. If it Is Unclear If An Alleged Policy Violation Is a Serious Policy Violation, the Supervisor Will Consult a Lieutenant or Captain or Civilian Equivalent, Consult OPA, or Refer the Alleged Policy Violation to OPA~~If the severity of the violation is unclear, the lieutenant or civilian equivalent will consult OPA~~

A supervisor may seek guidance from a lieutenant or captain or civilian equivalent regarding whether conduct constitutes a Serious Policy Violation as set forth in 5.002-POL-4 or screen the allegation and preliminary investigation in writing, with OPA, using the OPA Field Screening BlueTeam, per 5.002-TSK-2 Completing an OPA Field Screening BlueTeam When It Is Unclear if An Alleged Policy Violation Is a Serious Policy Violation and/or for Unsubstantiated Allegations of Serious Misconduct.

~~The level of seriousness of an alleged policy violation is sometimes contingent upon the specific facts of an incident.~~

~~The Department recognizes that even some minor policy violations may raise concerns of public trust and warrant a referral to OPA.~~

A supervisor may make referrals of Performance Deficiencies that he or she believes raise concerns of public trust or otherwise warrant referral to OPA.

Supervisors~~Employees will~~ consider the totality of the circumstances when determining ~~whether the level of seriousness of~~ an alleged policy violation is a Serious Policy Violation, apply common sense, and if uncertain, screen the complaint in writing with OPA, using the OPA Field Screening BlueTeam.

7. Supervisors Will Address Alleged Policy Violations That Are Not Serious Policy Violations (as Defined in 5.002-POL-4)

Allegations of policy violations that do not rise to the level of Serious Policy Violations are considered Performance Deficiencies and will be addressed by the chain of command per 5.003-Performance Counseling Review.

Seattle Police Manual

Page 16 of 20

~~Supervisors who witness, have reason to believe, or receive an allegation of a minor policy violation are expected to address the violation as they deem appropriate.~~

~~However,~~ supervisors ~~also~~ have the discretion to refer allegations of ~~performance deficiencies~~~~even minor policy violations~~ to OPA for investigation where they deem it appropriate.

Example: Repeated Performance Deficiencies not mitigated by counseling and/or mentoring may warrant an OPA referral.

~~Allegations of minor policy violations may include administrative, procedural, or technical violations of SPD policies.~~

~~that are unrelated to:~~

- ~~(1) The use of force,~~
- ~~(2) Exercise of law enforcement authority, and/or~~
- ~~(3) The list of serious offenses outlined above or issues involving similarly serious potential violations.~~

~~Example of allegations of minor policy violations include, but are not limited to:~~

- ~~—Force reporting timeline violations~~
- ~~—**Exception:** Willful violations of the force reporting timelines must be considered serious violations of policy and referred to OPA~~
- ~~—Failure to perform a system checks on ICV/BWV equipment that causes no failure to record officer actions~~
- ~~—Failure to seatbelt subjects who are being transported by an officer in a seatbelt equipped Department vehicle or during performing official duties where the detainee is not injured as the result of not being secured.~~
- ~~—Failure to identify tactical issues or document deficiencies in the use of force packet~~
- ~~—Failure to turn off the vehicle's AM/FM radio when the ICV is engaged~~

Seattle Police Manual

Page 17 of 20

- ~~—Engaging in law enforcement related secondary employment without a valid secondary work permit on file with the Department~~
- ~~—Minor Rudeness (absent bias)~~
- ~~—Traffic and parking infractions~~
- ~~—Profanity not directed as an insult~~
- ~~—Employee tardiness~~
- ~~—Uniform, equipment, and personal appearance~~
- ~~—Failure to attend and/or complete required training (including mandatory e-Learning modules on Cornerstone) for which the employee is registered, unless the failure is:~~
- ~~—Unjustified and/or~~
- ~~—The employee fails to provide reasonable advance notice he or she will not attend a scheduled training~~
- ~~—(Supervisors may contact the Cornerstone lieutenant in ETS to research an employee's previous instances of missed training.)~~
- ~~—Failure of a supervisor to register employees for training, except when that failure results in the employees missing the opportunity to attend training~~

~~The OPA Manual Sets Forth OPA Procedures~~

8. OPA May Choose to Investigate Any Alleged Policy Violation

If a supervisor is informed that OPA is taking over an investigation, the supervisor will cease their review.

9. Employees Will Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint, or Conducting or Cooperating with an Investigation of an Alleg~~edation of a~~ Policy Violation

10. Employees Will Cooperate with Department Internal Investigations

Commented [CKT9]: Moved from 5.002-POL-3. No language change except as in red.

Seattle Police Manual

Page 18 of 20

Employees will truthfully answer all questions, render complete, comprehensive statements, and promptly provide all material related to investigations of ~~A~~lleged ~~P~~olicy ~~V~~iolations.

The statements will include all material facts and circumstances surrounding the subject of the investigation, which are known by the employee.

Omissions of material facts known by the employee will be a failure to cooperate in an internal investigation.

~~OPA Maintains a Record of all Allegations Referred~~

~~All allegations of policy violations and any files related to these allegations will be secured within OPA offices for a period of time consistent with the Department's record retention policies.~~

5.002-TSK-1 Employee Reporting Serious Policy Violations

When any employee refers an allegation of a ~~S~~erious ~~P~~olicy ~~V~~iolation to OPA, the employee:

~~1. Provides all of the following information to OPA, if possible:~~

1. **Completes** an OPA Complaint BlueTeam to include:

- The nature, date and place of occurrence of the alleged incident
- Name or serial number of the employee involved, or other description of the involved employee if name or serial number is not available.
- Name, address, and telephone number of the complainant, aggrieved party, and all known witnesses
- A detailed summary of the allegation
- Information about perishable and other known evidence, including video recordings
- Whether the investigation presents any actual, potential, or apparent conflicts of interest

Seattle Police Manual

Page 19 of 20

2. **Assembles** any supporting documentation.

3. ~~Documents~~ **Forwards** the allegation on an OPA Complaint BlueTeam entry, to OPA, ~~via the chain of command~~.

~~Exception: If the employee named in the allegation is assigned to OPA, the allegation is sent directly to the OPA Director.~~

~~**Exception:** If the allegation involves the chain of command and the employee does not want it to be viewed by the chain of command, the employee may forward it directly to OPA.~~

Exception: If the allegation involves a subject assigned to OPA, the employee forwards it directly to the OPA Director.

Exception: If the subject of the allegation is the OPA Director, the employee forwards it directly to the Inspector General.

Exception: If the allegation is an EEO complaint, the employee will refer to 5.040-PRO-1.

Commented [CKT10]: Language inconsistent with practice. Complaints are submitted directly to OPA to avoid issues with the 180-day disciplinary timeline. (Chain of Command still is notified of all OPA complaints.)

5.002-TSK-2 Completing an OPA Field Screening BlueTeam When It Is Unclear If An Alleged Policy Violation is a Serious Policy Violation and/or for Unsubstantiated Allegations of Serious Misconduct

Supervisor

1a. **Notifies** lieutenant or captain or civilian equivalent

Lieutenant or Captain or Civilian Equivalent

1b. **Reviews** the incident with the supervisor and directs the supervisor how the incident is to be handled (i.e., Performance Deficiency, OPA screening, or OPA referral)

Supervisor

2. If, after review by the lieutenant or captain or civilian equivalent, the decision is to screen with OPA, **completes** an OPA Field Screening BlueTeam, using the OPA Field Screening template in Word, to include:

- The nature, date and place of occurrence of the Alleged Policy Violation

Seattle Police Manual

Page 20 of 20

- Name of employee involved or their serial number, or other description of the involved employee if name or serial number is not available.
- Name of the complainant and their contact information
- A detailed summary of the allegation
- Information about perishable and other known evidence, including video recordings
- A description of the Alleged Policy Violation made by the complainant, including references to the specific language used and an analysis of whether the Alleged Policy Violation is fully refuted by the evidence, including a description of the video and witness statements
- If screening an Unsubstantiated Allegation of Serious Misconduct, include reference to the evidence that supports a determination that the allegation(s) is unsubstantiated, including itemized Department video timestamps

3. **Assembles** any supporting documentation.

4. **Forwards** the OPA Field Screening BlueTeam entry directly to OPA.

OPA

4a. If after reviewing the documentation submitted, OPA determines an investigation is warranted, OPA **self-generates** an OPA referral.

Or

4b. If OPA determines that it is an Unsubstantiated Allegation of Serious Misconduct, OPA **notifies** the chain of command.

Or

4c. If OPA determines that the allegation is a Performance Deficiency, **notifies** the chain of command to proceed under 5.003-Performance Counseling Review.

Seattle Police Manual

Page 1 of 7

5.003 ~~—FRONT LINE INVESTIGATIONS—~~ Performance Counseling Review

Effective Date: Pending Court Approval

5.003-POL

The purpose of this policy is to provide supervisors with guidance on how to address Performance Deficiencies through mentoring, counseling and establishing clear performance expectations.

“Performance Deficiencies” are any failures to meet the Department’s performance expectations, including any policy violation that does not rise to the level of a Serious Policy Violation as defined in 5.002-POL-Responsibilities of Employees Concerning Alleged Policy Violations.

Supervisors will support and guide employees to help them correct Performance Deficiencies. Clear and consistent supervision will help employees succeed and need not be adversarial or disciplinary in nature.

During an OPA investigation, if a Performance Deficiency is noted, OPA may refer the deficiency to the employee’s chain of command for non-disciplinary mentoring, counseling, and/or clear expectation setting.

This policy is read in conjunction with 5.002- Responsibilities of Employees Concerning Alleged Policy Violations.

1. Supervisors Will ~~Investigate~~Address and Document ~~Allegations of Minor Policy Violations~~Performance Deficiencies as Described in 5.003-PRO-1 Chain of Command Review of Performance Deficiencies Using the Performance Counseling Review BlueTeam

Supervisors will screen with a lieutenant/civilian equivalent Performance Deficiencies to confirm the situation meets the criteria for this policy.

If the lieutenant/civilian equivalent has doubt regarding whether the circumstance is a Performance Deficiency or a Serious Policy Violation, he or she will screen the circumstance with OPA, as

Seattle Police Manual

Page 2 of 7

indicated in 5.002-Responsibilities of Employees Concerning Alleged Policy Violations.

Supervisors will ~~fully investigate~~review the circumstances and take corrective action, within their authority, when they witness or receive allegations of an employee's ~~minor policy violations.~~Performance Deficiency. (See 5.002-Responsibilities of Employees Concerning Alleged Policy Violations)

Exception: If the supervisor is informed that OPA is taking over the investigation, the supervisor will cease their ~~investigation as described in 5.003-PRO-1 Supervisor Reporting Allegations of Minor Policy Violations~~review.

When reporting allegations of ~~minor policy violations~~Performance Deficiencies, supervisors/~~sergeants~~ are expected to complete the ~~investigation~~review and forward to the lieutenant ~~or civilian equivalent~~ within two (2) calendar weeks from the time they were aware of the deficiency.

Lieutenants ~~are expected to complete~~and civilian equivalents will comment on the review ~~of the investigation~~ and forward to the captain ~~or civilian equivalent~~ within one calendar week.

Captains ~~are expected to complete the review of~~and civilian equivalents will comment on the ~~investigation~~review and forward within one calendar week.

In exceptional cases, when workload or scheduling issues will preclude timely review, each reviewer may request an extension from his or her supervisor by email.

If a report is delayed beyond this time limit, the reason for the delay will be documented in the BlueTeam entry.

~~Supervisors/Sergeants will screen the incident with a lieutenant to confirm the violation meets the criteria for minor misconduct. Lieutenants will screen with OPA if in doubt regarding its appropriate categorization.~~

Seattle Police Manual

Page 3 of 7

5.003-PRO-1 Chain of Command Review of Performance Deficiencies Using the Performance Counseling Review BlueTeam

Supervisor

1. **Investigates** the situation
2. **Meets** with the employee to review the Performance Deficiency. **Counsels and mentors** the employee as to any policy, tactical or behavioral concerns raised, and states performance expectations.
3. **Takes** remedial steps to address the Performance Deficiency if necessary (e.g., training, direct coaching, chain of command initiated Early Intervention Mentoring Plan-See: 3.070- Early Intervention System).
4. **Documents** the Performance Deficiency, any remedial actions taken, and the outcome in a Performance Counseling Review BlueTeam entry, using the Performance Counseling Review template in Word.
5. **Notifies** the complainant, and documents attempts to do so, that the issue has been addressed.
6. **Forwards** the Performance Counseling Review BlueTeam to the employee's lieutenant/civilian equivalent.

Lieutenant/ Civilian Equivalent

7. **Reviews** the Performance Counseling Review BlueTeam and **provides** a recommendation in the comments section.

Captain/Civilian Equivalent

8. **Reviews** the Performance Counseling Review BlueTeam and **provides** a recommendation in the comment section.
9. **Forwards** to QA.

~~5.003-PRO-1 Supervisor Reporting Allegations of Minor Policy Violations~~

Seattle Police Manual

Page 4 of 7

~~First observed or first reported allegation of a minor policy violation~~

~~Supervisor~~

- ~~1. **Reviews** the allegations and investigates to determine if a Frontline investigation is appropriate.~~
- ~~2. **Screens** the incident with a lieutenant/civilian manager.~~
- ~~3. **Counsels** the employee as to any tactical or behavioral concerns raised by the complaint.~~
- ~~4. **Takes** remedial steps to correct the tactics or behavior if necessary.~~
- ~~5. **Documents** the allegation/violation, any remedial actions taken, and outcome in PAS.~~
- ~~6a. **Internal Allegation:** If the alleged violation is observed by the supervisor or a Department employee, **documents** the completed investigation in a Frontline Blue Team entry and forwards it to the chain of command.~~
- ~~6b. **External Allegation:** If the allegation is made by a person outside of the Department, **documents** the completed investigation in a Frontline Blue Team entry and forwards it to OPA, via the chain of command.~~
- ~~7. When possible, **notifies** the complainant that the investigation is completed.~~

~~Second observed or second reported allegation of a similar minor policy violation.~~

~~Supervisor~~

- ~~1. **Reviews** the allegations and investigates to determine if a Frontline investigation is appropriate.~~
- ~~2. **Screens** the incident with a lieutenant/civilian manager.~~
- ~~3. **Counsels** the employee as to any tactical or behavioral concerns raised by the complaint.~~
- ~~4. **Takes** remedial steps to correct the tactics or behavior if necessary.~~

Seattle Police Manual

Page 5 of 7

5. ~~**Documents**~~ the allegation/violation, any remedial actions taken, and outcome in PAS.

6. ~~**Notifies**~~ the Employment Services Lieutenant of the PAS entry via email.

7. ~~**Documents**~~ the completed investigation in a Frontline Blue Team entry and forwards it to OPA, via the chain of command.

~~**Lieutenant/Captain/Civilian Manager**~~

8. ~~**Reviews**~~ the complaint and ~~**provides**~~ a recommendation in Frontline Blue Team.

~~A second violation will typically result in an oral reprimand.~~

~~**OPA**~~

9. ~~**Reviews**~~ the incident and the chain of command's recommendation.

10. ~~**Determines**~~ whether to take over the investigation, and advises the chain of command of their decision via Blue Team.

~~**Lieutenant/Captain/Civilian Manager**~~

11. If OPA will not be taking over the investigation, ~~**issues**~~ a reprimand as appropriate using the Frontline Reprimand Form (25.4).

12. ~~**Documents**~~ the reprimand in a Frontline Blue Team entry.

~~**Supervisor**~~

13. ~~**Documents**~~ the resolution in PAS.

14. If a reprimand is issued, ~~**notifies**~~ the Employment Services Lieutenant of the PAS entry via email.

15. When possible, ~~**notifies**~~ the complainant that the investigation is completed.

~~**Employment Services Lieutenant**~~

Seattle Police Manual

Page 6 of 7

~~16. **Notifies** the employee's union of the reprimand.~~

~~Third observed or third reported allegation of a similar minor policy violation:~~

~~Supervisor~~

- ~~1. **Reviews** the allegations and investigates to determine if a Frontline investigation is appropriate.~~
- ~~2. **Screens** the incident with a lieutenant/civilian manager.~~
- ~~3. **Counsels** the employee as to any tactical or behavioral concerns raised by the complaint.~~
- ~~4. **Takes** remedial steps to correct the tactics or behavior if necessary.~~
- ~~5. **Documents** the allegation/violation, any remedial actions taken, and outcome in PAS.~~
- ~~6. **Documents** the completed investigation in a Frontline Blue Team entry and forwards it to OPA, via the chain of command.~~

~~Lieutenant/Captain/Civilian Manager~~

- ~~7. **Reviews** the complaint and **provides** a recommendation in Frontline Blue Team.~~
- ~~-A third violation will typically result in a written reprimand.~~

~~OPA~~

- ~~8. **Reviews** the incident and the chain of command's recommendation.~~
- ~~9. **Determines** whether to take over the investigation, and advises the chain of command of their decision via Blue Team.~~

~~Lieutenant/Captain/Civilian Manager~~

- ~~10. If OPA will not be taking over the investigation, **issues** a reprimand as appropriate using the Frontline Reprimand Form (25.4).~~

Seattle Police Manual

Page 7 of 7

-
- ~~11. **Documents** the reprimand in a Frontline Blue Team entry.~~

Supervisor

- ~~12. **Documents** the resolution in PAS.~~
- ~~13. If a reprimand is issued, **notifies** the Employment Services Lieutenant of the PAS entry via email.~~
- ~~14. When possible, **notifies** the complainant that the investigation is completed.~~

Employment Services Lieutenant

- ~~15. **Notifies** the employee's union of the reprimand.~~

~~Fourth observed or fourth reported allegation of a similar minor policy violation.~~

Supervisor

- ~~1. **Follows** 5.002 TSK-1 Employee Reporting of Serious Policy Violations.~~
- ~~—The fourth observed or fourth reported allegation of a similar minor policy violation is handled as a serious policy violation.~~